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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/406,435
Filing Date: September 27, 1999
Appellant(s): BERSTIS, VIKTORS

Eustace P. Isidore
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/05/05 appealing from the Office action
mailed 06/02/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2002/0120648 A1	Ball et al.	08-2002
US 5,764,992	Kullick	06-1998
US 6,006,206	Smith, et al.	12-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-3, 6, 9-14, 17, 20-25, and 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95).

In reference to claims 1, 6, 12, 17, 23, and 28, Ball teaches a system for identifying changes in online data repositories where a current version is presented to a user. Compare to "***a method for keeping files current for use in a client computer system coupled to a network***". Ball's system teaches copying an original document selected by a user from the WWW to create a copied document on a server separate from the WWW. All archiving is done on a separate server and changes in the original document are detected while monitoring for changes. See page 1, paragraph [0008], page 2, paragraphs [0034]-[0041], and page 13. The system periodically compares the archive with current versions of the documents located in the repository and updates the archive. See abstract. In response to a request from a client to access a document, a current version of the document, as archived, is presented. Ball teaches that the

identifying parameter may comprise a date/time and version number of the file. See page 2, paragraphs [0034]-[0041], page 2, paragraphs [0048]-[0051] and Figure 3A in which a version history including timestamps (including date/time) are included. Ball also discloses generating checksums, dates of modification. Thus Ball teaches at least one of the parameters used to identify the downloaded file. Compare to "**evaluating at said client a downloaded file from a source within said network to determine if a source identifier is present in said downloaded file, wherein said downloaded file is stored at said client with a signature string utilized to find said source identifier within said file and one or more identifying parameters from among (1) a locator string identifying a network location . . .; (2) a date/time and version number of said file; and (3) a checksum string converting prior entries of said field.**

Ball does not state the term "source identifier"; however, a source identifier can be a URL. Ball teaches that a "page" refers to a unit of data which is identified by a specific name such as a URL on the WWW. Thus Ball teaches that a "source identifier" is a part of a downloaded file in that it is identified by a specific name. Ball checks the source using a source identifier since he discloses that when the document is being downloaded, updated, and presenting from the archive, the system is using some identifier to retrieve information for the specific document that has been requested by the user, in this case, the document is recognized by a URL as it is located over the WWW. See page 4, paragraphs [0087].

In reference to claims 2, 13, and 24, Ball does not teach "adding" a source identifier to a downloaded file. Since the source identifier can be a URL and is retrieved

over a network, the page would have an identification if retrieved over a network; however, if for some reason the file does not have a URL, Ball maintains a list of all the pages that are saved and could attach a source identifier to that page based on information from the list of pages.

In reference to claims 3, 14, and 25, Ball teaches presenting to the user an option to compare selected versions as archived in response to a request to access the original document. Ball also teaches that when a user calls for a current version of a document, the system presents the current version and indicates what parts have not been previously accessed. See abstract. Ball further teaches that when a user wishes to view PAGE A, the invention ordinarily retrieves and presents the current version. The invention also provides an option for reconstructing the PAGE, as of a date specified by the user, and presents it in the format. See page 3, paragraph [0059]. Ball teaches prompting the user to select whether to replace the downloaded file with a new version as the capability of displaying or reconstructing a page as specified by a user's selection of a version or date is present in Ball's system. See page 3 and abstract.

In reference to claims 9, 20, and 31, Ball's system periodically compares the archive with current versions of the documents located in the repository and updates the archive. See abstract. Ball also teaches that in response to a request from a client to access a document, a current version of the document as archived is presented.

In reference to claims 10, 21, and 32, Ball teaches that a URL and new versions of the downloaded file are stored in an archive which is checked periodically using the page name and versions. See page 4 and 13.

In reference to claims 11, 22, and 33, Ball's system can take place over a network, such as the WWW, which could comprise a packet network.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 15, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95).

In reference to claims 4, 15, and 26, since most operating systems support extended attributes that are associated with a file (as stated by applicant on page 11 of specifications), it would have been obvious to one of ordinary skill in the art at the time of the invention to have a URL located in the extended attribute of the downloaded file.

Claims 8, 19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95) in view of Kullick et al., US Patent 5,764,992, 6/9/98.

In reference to claims 8, 19, and 30, Ball teaches storing a copy of a previously downloaded file in the archived list and storing the current version as the current version. See page 3 and figure 3. Kullick specifically teaches renaming a previous copy to an archived name and storing a new version with a working name. Kullick teaches renaming a current version once it is replaced with a new version. The new

version is then given the modified name. See columns 4-5. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ball and Kullick since both are concerned with version management of a document or file being downloaded from a source and renaming the previous version with an archived name prevents interruptions at the current location as well as aiding the system in archiving capabilities. See abstract of Kullick in which he teaches non-interruption of current activities.

Claims 7, 18, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95) in view of Smith et al., US Patent 6,006,206, 12/21/99 (filed 9/8/97).

In reference to claims 7, 18, and 29, Ball teaches periodically checking the source for updates; however, he does not teach defining a default automatic time interval and enabling a user to adjust the interval. Smith teaches receiving updated data from a heartbeat signal at predetermined interval including a system identifier. See columns 3-4. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Smith's predetermined time interval in the system of Ball since Ball's system periodically checks the source for updated data and Smith's system allows that the time to be defined for the "periodic" checks.

(10) Response to Argument

In reference to Independent claims 1, 12, and 23, Appellant argues Ball does not teach a downloaded file stored at the client with a "source identifier", "a signature string utilized to find said source identifier within said file", and/or "a locator string identifying a

network location from which the file is sourced". Appellant further argues Examiner tacitly agrees various features are occurring at the server. Examiner disagrees with Appellant's assertions. Ball does teach a source identifier in the form of a URL. A uniform resource locator (URL) is a source identifier that is used to identify a network location from which a file is sourced. A file downloaded from a network location **must** have a source identifier which Ball refers to as a URL. See figure 3A and page 4, paragraphs [0087]-[0090]. Ball states, "one definition of "page" is that it refers to a unit of data, stored in a system, which is identified by a specific name. In the WWW, all pages have unique names.". Thus the use of a URL involves locating a file on a network location that is identified using a locator string and a signature. This is further evidenced by the dictionary definition of a URL as supplied by www.webopedia.com, "*Abbreviation of Uniform Resource Locator, the global address of documents and other resources on the World Wide Web. The first part of the address indicates what protocol to use, and the second part specifies the IP address or the domain name where the resource is located.*"

Appellant further argues Ball does not teach client-level process that includes identifying a file downloaded to a client from a source on a network and identifying the source with a specialized string that is stored with the file. Examiner respectfully disagrees. First, Ball teaches Ball does teach a source identifier in the form of a URL. A uniform resource locator (URL) is a source identifier that is used to identify a network location from which a file is sourced. A file downloaded from a network location **must** have a source identifier which Ball refers to as a URL. See figure 3A and page 4,

paragraphs [0087]-[0090]. Ball states, “one definition of “page” is that it refers to a unit of data, stored in a system, which is identified by a specific name. In the WWW, all pages have unique names.”. Thus the use of a URL involves locating a file on a network location that is identified using a locator string and a signature. Compare to **“identifying a source with a specialized string”**. This is further evidenced by the dictionary definition of a URL as supplied by www.webopedia.com, “*Abbreviation of Uniform Resource Locator, the global address of documents and other resources on the World Wide Web. The first part of the address indicates what protocol to use, and the second part specifies the IP address or the domain name where the resource is located.*” Second, Ball teaches downloading a file to a client from a source over a network. This is illustrated in Ball on pages 1, paragraph [0008], page 2, paragraphs [0034]-[0052], page 3, paragraphs [0054]-[0071], and page 13. Appellant argues that Ball’s External Service functions discussed in the sections mentioned above, do not teach the file is stored at the client system. Examiner points out that the claim language recites **“evaluating at said client a downloaded file from a source . . . wherein said downloaded file is stored at said client . . . replacing said downloaded file at said client with a complete copy of a newer version”**. Appellant argues on pages 5-6, “Ball teaches retrieving updated portions of the file and sends the updates to an External service. The user of the client may later receive a complete copy of the updated file on the external service when the user decides to browse to the external service.” Even if a changed file initially stored at the external service, this does not prevent the client from accessing and “downloading” the new version of the file as

stated by the Appellant on pages 5-6 of the Brief. Nothing in the claim language prohibits the system from initially storing changes and versions on an External service from which the file is later downloaded. The claim recites "evaluating a downloaded file from a source. . .stored at the client. . .replacing the file at client with a newer version". Ball teaches providing a new version of the file to the client system after detecting changes in the original document, storing the versions on a separate server, but then "presenting to the user, in response to the request to access an original document, a current version of the original document as archived". See page 13, column 1 and figure 3A. In summary, Ball teaches evaluating a file from a source for changes and different versions and presenting the version and file to a client at his browser.

With respect to claims 2, 3, and 24, Appellant argues "while appellant's may utilize a URL as one form of a source identifier, this use is only limited to a specific implementation at best". Examiner notes that the claim language simply recites "source identifier" which is being interpreted by the Examiner as a URL. There is no reason or limitation prohibiting the interpretation of the term, "source identifier" as a URL. Appellant further argues maintaining a list of pages is not synonymous with adding a source identifier to a stored file that does not have a source identifier. A source identifier can be a URL retrieved over a network. A page retrieved over a network would always have an identification if retrieved over a network. However, if for some reason the file does not have a URL, Ball maintains a list of all the pages that are saved and could attach a source identifier to that page based on information from the list of pages.

With respect to claims 3, 14, and 25, Appellant argues Ball does not teach a user selection of when to initiate the download of a newer version of a previously downloaded file. Ball teaches presenting to the user an option to compare selected versions as archived in response to a request to access the original document. Ball also teaches that when a user calls for a current version of a document, the system presents the current version and indicates what parts have not been previously accessed. See abstract. Ball further teaches that when a user wishes to view PAGE A, the invention ordinarily retrieves and presents the current version. The invention also provides an option for reconstructing the PAGE, as of a date specified by the user, and presents it in the format. See page 3, paragraph [0059]. Ball teaches prompting the user to select whether to replace the downloaded file with a new version as the capability of displaying or reconstructing a page as specified by a user's selection of a version or date is present in Ball's system. See page 3 and abstract.

With respect to claims 9, 20, and 31, Appellant argues Ball is void of any teaching of "overriding a current time interval by initiating and checking step at the time of receipt of the request to open said downloaded file and restart the current time interval". Ball's system periodically compares the archive with current versions of the documents located in the repository and updates the archive. See abstract. Ball also teaches that in response to a request from a client to access a document, a current version of the document as archived is presented. This step entails overriding the "periodic comparison of archived and current versions of the files" because it accesses the current version in response to a request from the client.

With respect to claims 4, 15, and 26, it is noted that Applicant did not challenge the Examiner's "official notice" in any of the previous replies to office actions. Furthermore, Examiner views the feature of "a URL located in the extended attribute of the downloaded file" as Applicant admitted prior art as indicated on page 11, lines 22-34 which recites, "*Generally, most relevant file formats have room for additional comment text or other attribute string. This attribute string, i.e., "source identifier" is added to the file to identify the source location of the file to which it is attached or in which it appears.*" ***It should be noted that certain operating systems, such as OS/2, support extended attributes that are associated with a file. Therefore, the source identifier may be stored as an extended attribute and does not need to be inserted inside the file".***

Appellant's arguments with respect to claims 6, 10, 11, 17, 21, 22, 28, 32, 33, 8,19, and 30 are directed to the same arguments in claims 1, 12, and 23 as discussed above.

With respect to claims 7, 18, and 29, Appellant argues there is no user adjustable timer function but rather Smith teaches a server-side function for generating a predetermined interval of a heartbeat signal. Appellant further argues that the client site computer receives and processes the heartbeat signal to select "in real time a stale or real-time identifier . . .for the financial data based upon . . .and the heartbeat signal". Examiner disagrees. Ball teaches periodically checking the source for updates; however, he does not teach defining a default automatic time interval and enabling a user to adjust the interval. Smith teaches receiving updated data from a heartbeat

signal at predetermined interval including a system identifier. See columns 3-4. Smith's system allows the client site terminal to choose stale display mode or real time display mode. A stale display mode relies on the user of the client to refresh the source and thus enables the user to adjust the time interval by empowering them with the ability to check the source. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Smith's predetermined time interval in the system of Ball since Ball's system periodically checks the source for updated data and Smith's system allows that the time to be defined for the "periodic" checks.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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